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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ron J. Vandergeest

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VEDDER PRICE KAUFMAN & KAMMHOLZ  
222 N. LASALLE STREET  
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EXAMINER

HA, LEYNNA A

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

09/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/855,183

Applicant(s)

VANDERGEEST ET AL.

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 16 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 10-15 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-5 and 8-15 are pending.  
The applicant cancels claims 6-7 and 16-17.
2. The rejection under 35 U.S.C. 101 for claims 10-12 are now withdrawn.  
The objection for Claim 10 is now withdrawn.
3. Claims 1-5 and 10-15 are allowed over art.  
Claims 8-9 remains rejected.

***Allowable Subject Matter***

4. Claims 1-5 and 10-15 are allowed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz (US 6,078,908), and further in view of Dahlen, et al. (US 6, 813, 726).**

**As per claim 8:**

Schmitz discloses a method for providing user authentication comprising:

sending, by a first unit, user identification data to an authentication unit; **[col.5, lines 59-63]**

receiving a re-transmitted authentication code that was previously sent by an authentication unit to an intermediate destination unit; and **[col.6, line 65 – col.7, line 3 and 38-42]**

in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning the authentication code to the authentication unit. **[FIG.1 and col.7, lines 61-64]**

Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate unit, the authorization computer 2 refers to the claimed authentication unit, the data input apparatus is the first unit (col.4, lines 1-2), and the transaction authorization number TAN refers to claimed authentication code (col.6, lines 57-59). Schmitz teaches separate transmission paths between the data input apparatus and the authorization computer on the other hand, and between the authorization computer and the receiver unit on the other hand (col.4, lines 1-5). Further, Schmitz discloses the authorization computer generates a transaction signal such as the transaction authorization number TAN or comparable password to send to the receiver along a separate transmission path (col.8, lines 25-29). Schmitz provide the transmission path for receiving the authentication code by the receiver (intermediate destination unit) from the authorization computer (col.8, lines 25-29). Thus, obviously re-transmits by furnishing the (same)

TAN to the data input apparatus on another path (col.7, lines 60-64). Although, Schmitz explains the communications between the intermediate unit, authentication unit, and the first unit, but did not further go into details of returning the authentication code.

Dahlen discloses the invention of at least one coupling facility is coupled to one or more other coupling facilities using one or more peer connections (col.6, lines 33-35) referred to as primary coupling facility and secondary coupling facility. The peer ISC link can transmit both primary message commands and secondary message commands in either direction. This may be physically represented by either two unidirectional links, one with a sender channel on the primary coupling facility and a receiver channel on the second coupling facility, and the second link oppositely configured (col.8, lines 3-13).

Dahlen discloses duplexing of the structures is performed in a manner that is transparent to the users of the structures where the user is unaware that the structure and thus the command are duplexed. Dahlen disclose high-availability design of coupling facility structures is provided by duplexing a desired structure in two separate coupling facilities. This design improves on the recovery times and impacts of existing recovery techniques, while also provides for a consistent recovery design across various structure types (col.6, lines 39-50). Further, Dahlen discloses the duplexing provides for parallel execution of the commands and for efficient re-execution of the commands on congested links (col.6, lines 60-65). The claimed in response to the receiving of the re-transmitted code, returning the authentication code reads on Dahlen's parallel execution of commands (col.6, lines 60-65). For these commands obviously instructs where the re-transmission of the code and the returning of the code

is to which is to guide the re-transmitted or returning of the authentication code to/from different units.

Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Schmitz with Dahlen to teach in response to the re-transmitted authentication code, returning the authentication code to the authentication unit because the parallel execution of commands and duplexing in separate coupling facilities using one or more peer connections transparent to a user provides consistent recovery design and efficient re-execution of the commands on congested links where the user is unaware (see Dahlen on col.6, lines 39-65).

**As per claim 9:** See Schmitz on col.6, line 65 – col.7, line 3 and 9-10 and Dahlen on col.6; lines 39-42; discusses the step of controlling a short range receiver to receive the re-transmitted authentication code in response to receiving notification from the authentication unit and wherein returning the authentication code to the authentication unit includes returning the authentication code in a way that is transparent to the user of the first unit.

### ***Response to Arguments***

**6. Applicant's arguments filed 7/5/2007 have been fully considered but they are not persuasive.**

Independent claim 8 do not recite all the allowable subject matter as disclosed in claims 1, 10, and 13. Claim 8 broadly recites sending user identification data to an

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authentication unit, receiving the retransmitted code, and in addition in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning the authentication code to the authentication unit. Claim 8 does not limit to the multiple transmissions of data on particular different channels that is transparent to the user in addition to returning the authentication code to the authentication unit.

Therefore, claim 8 recites some similar limitations to claims 1, 10, and 13, however, does not have all the combined elements that made claims 1, 10, and 13 allowable.

As for the argument (pg.9), that the claim does not require the parallel execution of commands. Claim 8 recites in response to the re-transmitted authentication code, returning the authentication code to the authentication unit. The re-transmitted code is returned reads on Dahlen's parallel execution of commands (col.6, lines 60-65) because the commands obviously instructs where the re-transmission of the code and the returning of the code is to go or to guide the re-transmitted or returning of the authentication code to/from different units. Dahlen discloses duplexing of the structures is performed in a manner that is transparent to the users of the structures where the user is unaware that the structure and thus the command are duplexed. Dahlen disclose high-availability design of coupling facility structures is provided by duplexing a desired structure in two separate coupling facilities. Further, Dahlen discloses the duplexing provides for parallel execution of the commands and for efficient re-execution of the commands on congested links (col.6, lines 60-65). Therefore, it would have been obvious Dahlen provides consistent recovery design and efficient re-execution of the

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commands on congested links where the user is unaware (see Dahlen on col.6, lines 39-65).

### ***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

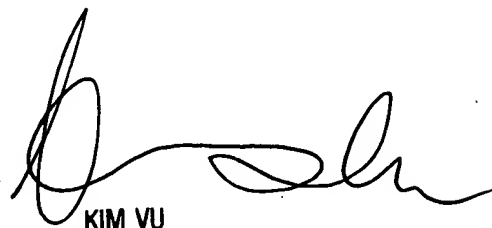
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHa

A handwritten signature in black ink, appearing to read 'Kim Vu', with a stylized, flowing script.

KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100